

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (currently amended): A spa assembly for use in combination with a pool filled with water comprising:

a shell portion shaped to be fitted into an existing gunite spa cavity placed adjacent to a partially or fully in-ground pool structure, including

a tub portion;

a flat upper flange with an integrated spillway for allowing water to flow from the spa assembly to the pool, the flat upper flange being constructed so as to support the weight of the spa on the rim of the gunite spa cavity and disposed in a plane substantially above a horizontal plane of the pool surface the surface of the water in the pool when filled; and plumbing elements associated with the shell portion, the plumbing elements including at least one suction component and one return component; and,

a notch in the transition area between the tub portion and the flat upper flange, wherein the notch is sized so as to receive masonry components comparable to those to be placed on the top surface of the flat upper flange.

2. (cancelled): The spa assembly of claim 1 wherein the shell portion has a notch in the transition area between the tub portion and the flat upper flange, wherein the notch is sized so as to receive masonry components comparable to those to be placed on the top surface of the flat upper flange.

3. (currently amended): The spa assembly of claim 2 1 wherein the notch has dimensions from between four to six inches in height to one to two inches in depth.

4. (original): The spa assembly of claim 1 wherein the shell portion includes a vacuum-formed base part and a layer of fiberglass.

5. (original): The spa assembly of claim 4 wherein the vacuum-formed base part is constructed from a material selected from the group consisting of acrylic, plastic, Lucite, resin composite, and carbon fiber.
6. (original): The spa assembly of claim 1 wherein the shell portion is constructed so as to be readily insertable and removable from the existing gunite spa cavity.
7. (original): The spa assembly of claim 1 wherein the suction includes at least one main drain suction, located near the bottom of the shell portion.
8. (original): The spa assembly of claim 1, wherein operating controls are located in a single, readily accessible window region.
9. (currently amended): A spa assembly for use in combination with a pool filled with water comprising:
  - a shell portion shaped to be fitted into an existing gunite spa cavity placed adjacent to a partially or fully in-ground pool structure, including
    - a tub portion;
    - a flat upper lip having a top surface with an integral spillway for allowing water to flow from the spa assembly to the pool; and
    - a notch in the transition area between the tub portion and the flat upper lip, wherein the notch is sized so as to receive masonry components comparable to those to be placed on the top surface of the flat upper lip; and,
  - plumbing elements associated with the shell portion, the plumbing elements including at least one suction component and one return component;
  - wherein the shell portion is shaped so that it may be readily installed into an existing gunite spa cavity, with the flat upper lip being constructed so as to allow flat masonry components to be

laid/installed directly onto the top surface, and further wherein the flat upper lip being positioned in a plane substantially above ~~a horizontal plane of the pool surface~~ the surface of the water in the pool when filled.

10. (previously amended): The spa assembly of claim 9, wherein the assembly is capable of being installed in a balanced manner, supported by both the flat upper lip and the bottom footwell, in the absence of sandbags.

11. (original): The spa assembly of claim 10, wherein the assembly is capable of being attached to an upper rim of the gunite spa cavity by securing elements.

12. (original): The spa assembly of claim 11, wherein the securing elements are bolts.

13. (original): The spa assembly of claim 11, wherein the securing elements are twist-lock fasteners.

14. (original): The spa assembly of claim 12, wherein the securing elements travel directly down through the upper lip and attach to the gunite spa cavity.

15. (cancelled): The spa assembly of claim 9 wherein the shell portion has a notch in the transition area between the tub portion and the flat upper lip, wherein the notch is sized so as to receive masonry components comparable to those to be placed on the top surface of the flat upper lip.

16. (original): The spa assembly of claim 15 wherein the notch has dimensions from between four and six inches in height to one to two inches in depth.

17. (original): The spa assembly of claim 9 wherein the shell portion includes a vacuum-formed base part and fiberglass.

18. (original): The spa assembly of claim 17 wherein the vacuum-formed base part is constructed from a material selected from the group consisting of acrylic, plastic, Lucite, resin-based composites, and carbon fiber.

19. (original): The spa assembly of claim 18 wherein the suction includes at least one main drain suction, located near the bottom of the shell portion.

20. (original): The spa assembly of claim 9, wherein operating controls are located in a single, readily accessible window region.

21. (original): The spa assembly of claim 9, wherein the spa assembly is pre-plumbed and all of the basic plumbing controls are located in a single, readily accessible window region.

22. (currently amended): A spa assembly for use in combination with a pool filled with water comprising:

a shell portion including a tub portion, a flat upper lip, and an integral spillway for allowing water to flow from the spa assembly to the pool, shaped so that it may be readily inserted into an existing gunite spa cavity placed adjacent to a partially or fully in-ground pool structure; and

plumbing elements associated with the shell portion, including at least one suction and one return;

wherein the shell portion has a notch in the transition area between the tub portion and the flat upper lip, which is sized so as to receive masonry components that provide a matching, transition zone allowing the desired masonry to extend seamlessly into the water line, and further wherein the flat upper lip being positioned in a plane substantially above ~~a horizontal plane of the pool surface~~ the surface of the water in the pool when filled.

23. (original): The spa assembly of claim 22 wherein the shell portion includes a vacuum-formed base part and fiberglass.

24-28. (previously canceled).